

**UNITED STATES DISTRICT COURT**  
**SOUTHERN DISTRICT OF GEORGIA**  
**SAVANNAH DIVISION**

HARRIS BAKING COMPANY, )  
f/k/a REGENCY BAKING )  
COMPANY, )

Plaintiff, )

v. )

DRAYPROP, LLC, MICHAEL )  
BROWN; REUBEN CROLL; )  
and MARLEY MANAGEMENT, INC., )

Defendants. )

Case No. CV410-301

**ORDER**

Upon remand from the Eleventh Circuit, *Lindley v. F.D.I.C.*, 733 F.3d 104 (11th Cir. 2013), the Court directed the remaining parties to brief the Court on the remaining issues in this case. Doc. 30. They respond, first, that Darby Bank is no longer a party to this case. Doc. 31 at 1. The Court agrees, the above caption has been so amended, the Clerk is **DIRECTED** to amend the docket caption accordingly, and all subsequent filings shall conform. They also note that defendant Reuben Croll has never been served in this case. *Id.* Within 21 days of the date

this Order is served, plaintiffs shall show cause why Croll should not be dropped pursuant to Fed. R. Civ. P. 4(m).

Finally, the parties agree that they need to conduct discovery in this case (it had been stayed while the issues like those litigated in *Lindley* were resolved). Within those same 21 days, then, the parties shall confer and jointly file a proposed Scheduling Order.

**SO ORDERED**, this 17<sup>th</sup> day of December, 2013.

A handwritten signature in blue ink, appearing to read "M. Smith", is written over a horizontal line.

UNITED STATES MAGISTRATE JUDGE  
SOUTHERN DISTRICT OF GEORGIA